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The Other Side of Class Action Reform

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I was chagrined to read the June 14 editorial "Reforming Class Actions," which supported the House Republican version of the class action bill. It is one thing to support class action reform; it is another to support legislation that includes special-interest giveaways, as the GOP bill does.

The bill passed by the House would apply to pending cases and thus would disrupt legitimate cases in which thousands of legal hours have been expended. The bill also would grant defendants an automatic right to appeal the certification of a case as a class action and would delay all discovery in such cases for as long as two years. The federal courts oppose granting a mandatory "interlocutory appeal" right, precisely because it is so one-sided.

The House bill also would make it more difficult to pursue civil rights class actions, because it would not permit a lead class representative to receive a remedy, such as regaining a job lost because of discrimination, that other class members did not receive. It also treats joinder actions and private attorney general cases as class actions.

All of these provisions are anti-consumer.

Class actions are one of the most complex issues that come before Congress. The Post owes it to its readers to analyze this legislation and to highlight possible flaws as well those aspects it supports.

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